

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

|                                   |   |                                     |
|-----------------------------------|---|-------------------------------------|
| <b>STATE OF OKLAHOMA,</b>         | ) |                                     |
|                                   | ) |                                     |
| <b>Plaintiff,</b>                 | ) |                                     |
|                                   | ) |                                     |
| <b>v.</b>                         | ) | <b>Case No. 05-CV-00329-GKF-SAJ</b> |
|                                   | ) |                                     |
| <b>TYSON FOODS, INC., et al.,</b> | ) |                                     |
|                                   | ) |                                     |
| <b>Defendants.</b>                | ) |                                     |

**STATE OF OKLAHOMA’S OPPOSED MOTION FOR EXTENSION OF TIME TO  
COMPLY WITH THE COURT’S ORDER OF FEBRUARY 26, 2007 (DKT. NO. 1063)**

COMES NOW, the Plaintiff, the State of Oklahoma, ex. rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter “the State”) pursuant to Fed. R.Civ. P. 7(b) and Local Civil Rule 7.2 (g), and respectfully requests that this Court issue an Order extending the deadline for Plaintiffs to supplement its Interrogatory Responses to various Tyson Defendants as ordered by the Courts Opinion and Order (Dkt. No.1063). In support of its Motion, Plaintiff shows the Court as follows:

1. The Court, pursuant to its Opinion and Order of February 26, 2007 (Dkt. No. 1063), ordered the State to supplement its responses to various Tyson Defendants Interrogatories by March 28, 2007.

2. The State filed a Motion for Reconsideration on March 08, 2007 (Dkt. No. 1074) of certain aspects of the Court’s Order, including a prayer for an additional 30 days in which to supplement its responses to the Tyson Defendant’s Interrogatories.

3. As of the present time, the Court has granted no previous extensions of time to comply with its order of February 26, 2007.

4. In the Order, the Court stated that the parties “may meet and confer and determine an appropriate manner of responding that will be both helpful to Defendants and reasonable for Plaintiff.” (Order at 8).

5. The State met and conferred with the Tyson Defendants after the Court’s Order was rendered and even though no agreement was made as to the production of documents the State agreed to continue to meet with the Defendants.

6. In its Motion for Reconsideration and on a conference call with Tyson Defendants on March 20, 2007, the State proposed a method for producing documents to the defendants pursuant to a Rule 33(d) designation. The proposed method was to identify documents of a like type (i.e. permit files) by category and location (permit files are in Boxes x-x) and other documents would be identified either by file name or the actual name of the document itself because the State’s documents are the original working files of the State and have not been Bates stamped, therefore making compliance with the Court’s order impracticable by the March 28, 2007, deadline.

7. Revising the State’s Interrogatory responses entails a great deal of work, and the press of briefing and other responsibilities in the present case, as well as the issues raised in its Motion for Reconsideration have not permitted the State to complete its supplementation of the responses.

8. On March 21, 2007, the State learned for the first time that Tyson Defendants would not accept this proposal, at least with respect to all possible instances in which the State makes Rule 33(d) designations.

9. The Tyson defendants object to granting the State an additional 30 days in order to supplement the State's responses. The Tyson Defendants proposed unacceptable conditions for granting the State an additional 30 days in which to supplement its responses.

10. Granting the State's request will have no impact on the schedule of the trial or upon other deadlines.

11. The State requires an additional 30 days from March 28, 2007, or until April 27, 2007, in which to supplement its response to the Tyson Defendant's Interrogatories and pending this Courts resolution of the State's Motion for Reconsideration.

WHEREFORE, Plaintiff requests that this Court grant Plaintiffs Opposed Motion for Extension of Time to Supplement its responses to Tyson Defendants Interrogatories pursuant to the Court's Order, and this Court enter an extending the State's response date to April 27, 2007.

Respectfully Submitted,

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